

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

SB INITIATIVE, INC.,)	
)	CIVIL ACTION NO. 3:24-cv-00821
Plaintiff/Counter-Defendant,)	
)	DISTRICT JUDGE ELI J.
v.)	RICHARDSON
)	MAGISTRATE JUDGE BARBARA D.
CHEEKWOOD BOTANICAL GARDEN)	HOLMES
AND MUSEUM OF ART,)	
)	JURY DEMAND
Defendant/Counter-Plaintiff.)	

**JOINT NOTICE OF PENDING SETTLEMENT AND CONSENT MOTION TO
CONTINUE INITIAL CASE MANAGEMENT CONFERENCE, TO WITHDRAW
MOTION FOR PRELIMINARY INJUNCTION, AND TO CANCEL PRELIMINARY
INJUNCTION HEARING**

COME NOW SB Initiative, Inc. (“SBI” and Cheekwood Botanical Garden and Museum of Art (“Cheekwood”)) (collectively, the “Parties”) and respectfully notify the Court that, as a result of the judicial settlement conference on October 11, 2024, the Parties have reached a settlement in principle. Pursuant to Local Rule 6.01, the Parties respectfully move to continue the Initial Case Management Conference currently set for October 17, 2024 (Doc. No. 6) and associated case deadlines for a period of at least thirty (30) days to allow the parties to finalize settlement. The Parties consent to withdrawal of Cheekwood’s Motion for Preliminary Injunction (Doc. No. 17) without prejudice, and respectfully request the Court cancel the hearing scheduled for October 18, 2024 (Doc. No. 45) and associated deadlines. In support of this Joint Notice and Consent Motion, the Parties would show the Court as follows:

1. The Court set an Initial Case Management Conference for October 17, 2024, at 2:00 p.m. (Doc. No. 6).

2. The Court referred this case for a judicial settlement conference on September 24, 2024. (Doc. No. 48).

3. The Court set a hearing on Cheekwood's Motion for Preliminary Injunction for October 18, 2024, together with deadlines to submit witness lists and exhibit lists by October 15, 2024, and supplemental briefing and declaration in advance of the hearing. (Doc. No. 45).

4. The Parties participated in the judicial settlement conference on October 11, 2024, before Magistrate Judge Newbern, and have reached a settlement in principle.

5. The Parties are working to finalize a written agreement and anticipate imminent settlement of this matter.

6. The Parties respectfully request that the Court continue the Initial Case Management Conference in this action for at least thirty (30) days, from October 17, 2024, to November 18, 2024, or as the Court's schedule permits; to withdraw the Motion for Preliminary Injunction and cancel the preliminary injunction hearing; and to extend or suspend all other deadlines, to allow the Parties to continue their efforts to resolve this case.

7. This is the Parties' first request to continue the Initial Case Management Conference and to extend or suspend deadlines pending settlement. The Parties respectfully submit that good case exists for the relief requested given the results of the judicial settlement conference and the Parties' ongoing efforts to finalize settlement. The requested extension is not sought for the purpose of delay or to prejudice the rights of any party.

Dated this 14th day of October 2024.

WADDEYACHESON

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Respectfully submitted,

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*Attorneys for Cheekwood Botanical Garden
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CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2024, a copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the court's electronic filing system.

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